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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,942	02/08/2005	Giuseppe De'Longhi	23192	3137

7590 01/08/2010  
The firm of Karl F Ross  
5676 Riverdale Ave  
Box 900  
Riverdale(Bronx), NY 10471

EXAMINER
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VAN, QUANG T

ART UNIT	PAPER NUMBER
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3742

MAIL DATE	DELIVERY MODE
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01/08/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/524,942	<b>Applicant(s)</b> DE'LONGHI, GIUSEPPE	
	<b>Examiner</b> Quang T. Van	<b>Art Unit</b> 3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 4, 11-13, 17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4, 11-13, 17 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 4, 11-13 and 17-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 17, the term “said and second first bars”, recited at line 18, is indefinite, because it is unclear what applicant tries to claim. Clarification or correction is requested.

NOTE: For purpose of examination, it is presumed “said and second first bars” to be read as “said first bars”.

***Claim Rejections - 35 USC § 103***

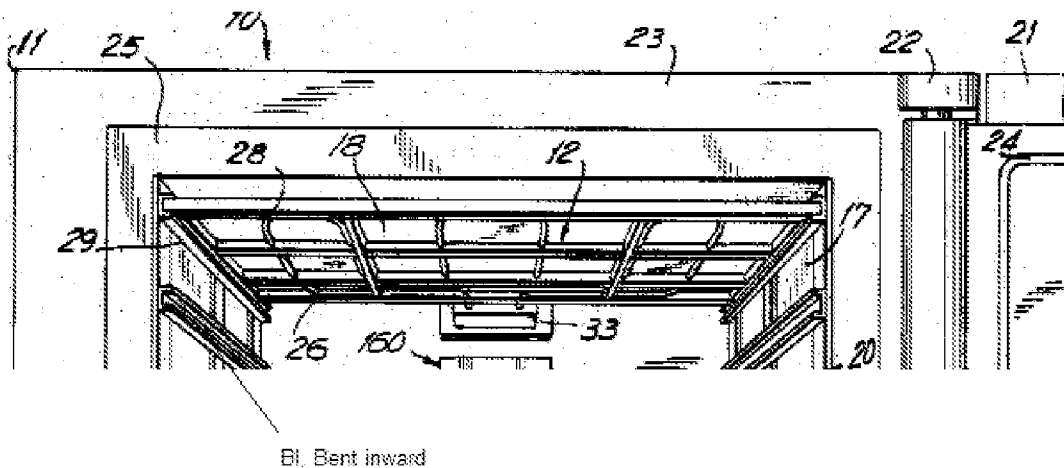
3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

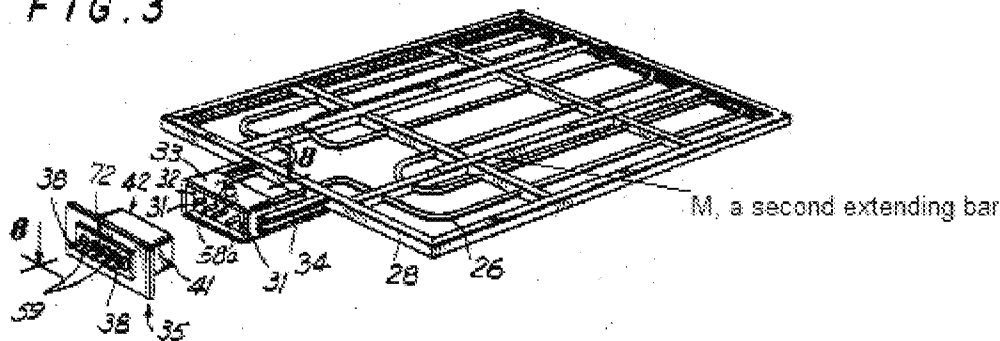
4. Claims 4, 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olof Fingal Christiansson (US 3,548,154) previously recited in view of Price (US 2,872,558) now cited. Olof Fingal Christiansson discloses an electric heating oven comprising a housing (10); a plurality of resistors (26, Figure 1) in the housing electrically energizable to radiate heat, at least one of the resistors (26) having a longitudinally extending portion and subdividing the housing into an upper baking

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chamber and a lower baking chamber; and a support frame in the housing and including a pair of longitudinally extending first bars (28) flanking and slidably receiving the portion of the one resistor (26) and forming a longitudinally extending seat therefore, a second longitudinally extending bar (M, Figure below) being oriented so as to deflect radiant energy from the portion into the lower chamber, second transversely extending bars (29) bent upward and connected to said first bars (Figure below), and portions bent inward (BI) and holding the portion of the one resistor in the seat. However, Olof Fingal Christiansson does not disclose a pair of first bars being round-section bars. Price discloses a pair of bars being round-section bars (71, 52, 53, 61). It would have been obvious to one ordinary skill in the art at the time the invention was made to utilize in Olof Fingal Christiansson a pair of bars being round-section bars as taught by Price in order to support the heating element and also reflect heat.



**FIG. 3**



5. Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olof Fingal Christiansson (US 3,548,154) previously recited in view of Price (US 2,872,558) new cited, and further in view of Thomas (US 4,623,781) previously cited. Olof Fingal Christiansson/Price disclose substantially all features of the claimed invention except resistor control means. Thomas discloses resistor control means (28, co. 10, lines 30-63). It would have been obvious to one ordinary skill in the art at the time the invention was made to utilize in Olof Fingal Christiansson/Price resistor control means as taught by Thomas in order to turn the resistor on and off to control the temperature of the oven.

6. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Olof Fingal Christiansson (US 3,548,154) previously recited in view of Price (US 2,872,558) new cited, and further in view of Jordan (US 3,270,183) previously recited. Fingal Christiansson/Price disclose substantially all features of the claimed invention except a control means comprises a bimetallic thermostat electrically connected in series with said resistor. Jordan discloses a control means comprises a bimetallic thermostat (75) electrically connected in series with said resistor (col. 8, lines 39-68). It would have been obvious to one ordinary skill in the art at the time the invention was made to utilize

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in Olof Fingal Christiansson/Price a bimetallic thermostat electrically connected in series with said resistor as taught by Jordan in order to control the temperature inside the oven.

***Response to Amendment***

7. Applicant's arguments with respect to claims 4, 11-13 and 17-18 have been considered but are moot in view of the new ground(s) of rejection.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang T. Van whose telephone number is 571-272-4789. The examiner can normally be reached on 8:00Am 5:00Pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Quang T Van/

Quang T Van

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Primary Examiner, Art Unit 3742  
January 4, 2010

Primary Examiner  
Art Unit 3742